

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
WESTPORT INSURANCE CORPORATION,

Case No.: 07 CIV 06726 (SHS) (RLE)

Plaintiff,

-against-

PATRICIA HENNESSEY, ESQ., and COHEN,
HENNESSEY, BIENSTOCK & RABIN, P.C.
f/k/a COHEN, HENNESSEY, BIENSTOCK, P.C.,

**NOTICE OF MOTION IN
SUPPORT OF PLAINTIFF'S
MOTION FOR SUMMARY
JUDGMENT**

Defendants.
-----X

PLEASE TAKE NOTICE, that upon the accompanying memorandum of law in support of plaintiff's motion for summary judgment, the Rule 56.1 statement of undisputed facts, together with the exhibits annexed thereto, and upon all the pleadings and proceedings heretofore had herein, plaintiff WESTPORT INSURANCE CORPORATION ("Westport"), by its attorneys WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP, will move this court in accordance with Fed. R. Civ. P. 56, before the Honorable Sidney H. Stein, United States District Judge for the Southern District of New York, in the United States Courthouse, 500 Pearl Street, New York, New York 10007-1581, at 9:30 o'clock in the forenoon or as soon thereafter as counsel may be heard, on January 11, 2008, for an order granting Westport's motion for summary judgment against the defendants declaring as follows:

- a. Based upon Exclusion "B" of the 2006 Policy, plaintiff WESTPORT INSURANCE CORPORATION is not obligated to afford coverage to the defendants, in whole or in part, including defense or indemnity, for the lawsuit entitled Jayne Asher v. Patricia Hennessey, Esq. and Cohen Hennessey Bienstock, P.C., filed in Supreme Court for the

State of New York, County of Westchester, Index No.:
1361/07; and

- b. For such other and further relief the Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE, that all opposing affidavits and memoranda of law, if any, are to be served upon the undersigned no later than November 30, 2007.

Dated: New York, New York
November 9, 2007

Respectfully submitted,

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP

By: _____ s/_____

Mark K. Anesh (MKA: 8303)

Attorneys for Plaintiff

WESTPORT INSURANCE CORPORATION

150 East 42nd Street

New York, New York 10017-5639

(212) 490-3000

File No.: 005302.00249

To: Fried & Epstein LLP
Attorneys for Defendants
PATRICIA HENNESSEY, ESQ., and COHEN,
HENNESSEY, BIENSTOCK & RABIN, P.C.
f/k/a COHEN, HENNESSEY, BIENSTOCK, P.C.,
1350 Broadway, Suite 1400
New York, New York 10018
Attention: John W. Fried, Esq.